

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Lawrence Green, et al.	§	Docket No.:	41914.710
Serial No.:	10/776,209	§	Examiner:	Cartagena, Melvin A.
Filed:	February 12, 2004	§	Art Unit:	3754
For:	Manual Pump Mechanism and Delivery System	§	Conf. No.:	3160

Mail Stop Petition  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Mail Stop Petition

**PETITION TO REVIVE AN UNINTENTIONALLY  
ABANDONED APPLICATION UNDER 37 C.F.R. § 1.137(b)**

The Assignee of the above referenced patent application, through its attorney of record, hereby petitions the Commissioner to revive the above-identified application under the provision of 37 C.F.R. §1.137(b) on the grounds that the delay in replying to the Final Office Action mailed February 25, 2009, was unintentional. Submitted simultaneously herewith in a separate paper is a request for continued examination (RCE) along with a response to the Final Office Action mailed February 25, 2009.

The entire time period of delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. On March 31, 2009, Applicants submitted a response to the Final Office Action mailed February 25, 2009. In the response filed March 31, 2009, the Assignee sought to amend claims 20 and 27 to overcome minor claim objections and to overcome the obviousness rejections of claims 1-4, 9, and 16-29 by distinguishing the claims over the prior art. In an Advisory Action mailed April 9, 2009 the Examiner indicated that the response to the Final Office Action did not place the claims in condition for allowance. The Assignee unintentionally failed to timely file an RCE or Notice of Appeal in response to receipt of the Advisory Action. A formal Notice of Abandonment was mailed September 11, 2009. Accordingly, this Petition to Revive is being filed in response to the

Advisory Action mailed April 9, 2009 and accompanies an RCE and a response to the Final Office Action as required by 37 CFR 1.137. Less than one month has elapsed between the Notice of Abandonment and the filing of this Petition to Revive.

The Commissioner is hereby authorized to charge \$1620.00 to the Deposit Account of Haynes and Boone, LLP No. 08-1394 for the petition fee required by 37 CFR 1.17(m) to revive an unintentionally abandoned application. Further, the Commissioner is authorized to charge any deficiency or credit any overpayment of fees associated with this communication to said Deposit Account No. 08-1394.

Respectfully submitted,




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R-236632

I hereby certify that this correspondence is being filed with the  
United States Patent and Trademark Office via EFS-Web on

9-23-09



Gayle Conner